



STAFF REPORT Town of Wellesley - Planning Department

Application: DR-17-31 – 16 Bay View Road - Waiver/Reduction of Delay Period
Subject Property: 16 Bay View Road (Assessor's Parcel ID # 182-10)
Applicant: Mark Heavner
Property Owner: 16 Bay View LLC
Date: Report prepared 2/2/2018 for 2/12/2018 Historical Commission Meeting

Staff Contact: Claudia Zarazua, Planner

APPLICATION OVERVIEW

On December 11, 2017, following a public hearing on an application for a Preservation Determination for the building located at 16 Bay View Road, the Historical Commission voted 7-0 to determine that the building be Preferably Preserved, thereby imposing a delay on the issuance of a permit to demolish the building for 12 months. On December 14, 2017, pursuant to part D.(4) of the Historic Preservation Demolition Review Bylaw, the Owner applied to the Commission for a reduction of the imposed Delay Period ("Waiver"). The Applicant met with staff on December 13, 2017 to review process and to provide plans. The Applicant is seeking a waiver on the previously imposed Delay Period and presented architectural plans to the Historical Commission on January 9, 2018.

At the January 9, 2018 the Historical Commission made the following recommendations:

1. **Lower canopy over garage**
2. **Raise left gable to break massing of proposed house**
3. **Create a more symmetrical gable on front elevation**
4. **Adjust shutter width more proportional to window size**
5. **Break transom window into three sections**
6. **Add a fourth column on front porch**
7. **Provide more windows**

Following a discussion, the Commission continued the matter to the meeting on February 9, 2018.

COMMISSION CONSIDERATION AND APPLICANT REQUEST

Pursuant to the Bylaw, "the Commission may consider whether the Owner has:

- i. made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the Building who is willing to preserve, rehabilitate or restore the Building; or
- ii. agreed to accept a Demolition Permit on specified conditions approved by the Commission. If the specified conditions involve approved plans and elevations, then no Demolition Permit shall be issued by the Inspector of Buildings unless the Owner provides to the Inspector of Buildings a complete set of plans and elevation drawings which have been signed and stamped by the Commission, provided, however, that if such plans and elevations are subsequently modified, no copy signed and stamped by the Commission shall be required if such modifications do not substantially alter the plans and elevations previously approved by the Commission.”

Consistent with these standards, the Owner submitted revised plans and elevations for the proposed house to replace the existing house, if demolished. The proposed house is a center-entry Colonial with front-entry to garage, with the main body of the home sited similarly to the existing home. The proposed house is larger than the existing house and not in style with the existing house, or other homes in the vicinity, in terms of architectural style (the Commission may recall that the existing house is a Colonial Revival, Cape Cod Cottage style home).

The Applicant submitted revised plans on January 30, 2018. Staff acknowledges that the revised plans address many of the Commission’s comments.

PROCEDURAL CONSIDERATIONS AND STAFF RECOMMENDATIONS

Within fifteen (15) days after the Commission has closed the public hearing on the Waiver, the Commission shall provide to the Owner written notice of its determination or a summary of the Owner and the Commission’s agreed-upon plans with respect to the Delay Period and the Building.

In the event that the Commission is considering granting the waiver request based on submitted plans, Staff would recommend that the Commission do so contingent on the Owner’s execution of an agreement specifying the following:

1. Issuance of a Demolition Permit for the dwelling is contingent on subsequent construction based on submitted/approved plans
2. Obligation for the Owner to provide the Planning Director with written notice of all building permit applications concerning the property at the same time as it is filed with the Building Department.
3. Obligation that the Owner not apply for any building permit concerning the property that does not conform to the Approved Plans, and that all construction on the property that does not conform to the Approved Plans is prohibited.

4. Authorization for the Planning Director to determine plans submitted for a Building Permit are consistent with the plans approved by the Commission, and authorization for the Planning Director to confirm compliance of the project prior to the issuance of a Certificate of Occupancy.
5. That the agreement run with the land and be binding on Owner's successors and assigns.
6. That the Historical Commission has the right to enforce all terms of this agreement.